

REMARKS/ARGUMENTS

Claim 87 is canceled without prejudice or disclaimer. Therefore, claims 79-86 and 88-94 are currently pending. Claims 79-81, 88-90 and 94 are amended to specify that the LTVEC is created by bacterial homologous recombination and introduced into an isolated mouse ES cell. No new matter is added by the new claims and the Examiner is respectfully requested to enter this amendment.

I. Formal Objections

The oath/declaration was found to be defective. Accordingly, a new declaration is submitted herewith. Accordingly, this objection may now be withdrawn.

II. Rejection under 35 USC § 112, first paragraph.

Claims 79-94 were rejected on the basis that, while the specification was found to be enabling for creating a modified endogenous gene locus in a mouse ES cell, wherein the LTVEC is produced using bacterial homologous recombination and introducing the LTVEC into an isolated mouse ES cell and using a quantitative assay in order to detect the reduced copy number of an unmodified allele compared to that of a reference gene in the cell to indicate the modification of allele, the specification does not provide enablement for methods which do not specifically recite using bacterial homologous recombination.

In response, claims 79-81, 88-90 and 94 are amended to recite that the LTVEC is created by bacterial homologous recombination and introduced into a mouse ES cell. Accordingly, it is believed the rejection is overcome with the above amendments and may now be withdrawn.

III. Rejection under 35 USC § 112, second paragraph.

A. Claims 79-81, 88-90 and 94 were rejected as unclear on the basis that the preamble relates to an isolated mouse ES cell but step (b) refers to an isolated cell. The claims have been amended above to change the reference to an isolated cell to a mouse ES cell. Accordingly, it is believed that this rejection is rendered moot by the above amendment.

B. Claim 87 was held to be indefinite. Claim 87 is canceled without prejudice or disclaimer, rendering this rejection moot.

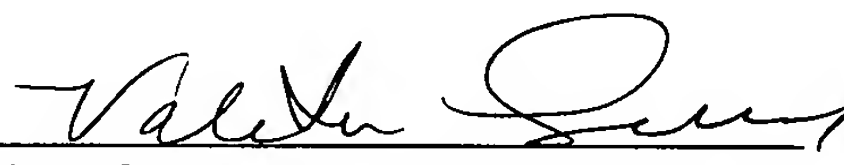
Conclusion

It is believed that this document is fully responsive to the Final action dated 4 April 2006 and Advisory Action dated 29 July 2005. In light of the above amendments and remarks, it is believed that the claims are now in condition for allowance, and such action is respectfully urged.

Fees

This Amendment and Remarks document is filed within the 3 month period for reply. Accordingly, it is believed that no fee is due. However, if it is determined that a fee is due in connection with the filing of this Amendment or any other fees, the Commissioner is hereby authorized to charge Deposit Account Number 18-0650 in the amount of any additional fees that may be determined to be due.

Respectfully submitted


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